

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

PAE AVIATION AND TECHNICAL
SERVICES LLC

and

Cases 28-CA-170401
28-CA-175936

INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE WORKERS,
LOCAL LODGE 2949, AFL-CIO

NOTICE TO SHOW CAUSE

On October 19, 2016, Administrative Law Judge Joel P. Biblowitz issued a decision in this case. The Respondent filed exceptions and a supporting brief and the General Counsel filed an answering brief. The General Counsel filed cross-exceptions and a supporting brief, the Respondent filed an answering brief, and the General Counsel filed a reply.

On May 24, 2018, the Board issued a decision and order in this proceeding affirming in part and reversing in part the judge's decision.¹ The Board severed and retained for further consideration, however, complaint allegations that two provisions of the Respondent's work rules violate Section 8(a)(1) of the National Labor Relations Act based on the "reasonably construe" prong of the analytical framework set forth in *Lutheran Heritage Village-Livonia*, 343 NLRB 646 (2004). Recently, the Board overruled the *Lutheran Heritage* "reasonably construe" test and announced a new standard that applies retroactively to all pending cases. *The Boeing Co.*, 365 NLRB No. 154, slip op. at 14-17 (2017).

Accordingly, the Board hereby issues the following notice to show cause why this proceeding should not be remanded to the judge for further proceedings in light of *Boeing*,

¹ 366 NLRB No. 95.

including, if necessary, the filing of statements, reopening the record, and issuance of a supplemental decision.

NOTICE IS GIVEN that any party seeking to show cause why the severed complaint allegations should not be remanded to the administrative law judge must do so in writing, filed with the Board in Washington, D.C., on or before November 5, 2018 (with affidavit of service on the parties to this proceeding). Any briefs or statements in support of the motion shall be filed on the same date.

Dated, Washington, D.C., October 22, 2018

By direction of the Board:

Farah Z. Qureshi

Associate Executive Secretary